

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DAVID DEWEES RICHARDSON</b>	:	<b>CIVIL ACTION</b>
	:	<b>NO. 07-4677</b>
<b>v.</b>	:	
	:	
<b>MELVIN LOCKETT, <u>et al.</u></b>	:	

**ORDER**

**AND NOW**, this 24th day of February, 2009, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Arnold C. Rapoport, and having received no objections thereto, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **DENIED WITHOUT PREJUDICE** and **DISMISSED** without an evidentiary hearing.
3. There is no probable cause to issue a certificate of appealability.

**BY THE COURT:**

S/ BRUCE W. KAUFFMAN  
**BRUCE W. KAUFFMAN, J.**